Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—May I know whether there is any limit to the number of volunteers taken? Here we find 25 men with services ranging from 12 days to 6 years?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—I may say for the information of the House that there has not been up till now any real restriction in the number of volunteers. What has been going on is that a volunteer who has been entertained goes on there for ever and whenever there was any necessity to take other volunteers they used to be entertained also. I have now been examining the system and trying to see, subject of course to the expert opinion whether it would not be advisable that volunteers should be taken only for a number of years and after that to hold an examination and to retain only those who have some aptitude for the work. Periodical examinations are to be held so far as these volunteers are concerned.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Can we take it Sir that when any post falls vacant the volunteer will naturally be given preference?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—The general rule is the seniormost volunteer will be given that chance.

Persons sent to Civil Jail for non-payment of decree-debts—Particulars regarding.

104. **Mr. A. Narayana Menon** *(Vyttila).*—Will the Government be pleased to state:—

(a) the number of persons that were sent to Civil Jail for non-payment of decree debts in each of the years 1110, 1111, 1112 and 1113; what was the aggregate debt for which they were jailed (the figures for each year may be kindly given);

(b) how many of such debtors served their full term in Jail and how many went out after discharging their debts or on adjustment of their liabilities with the creditors;

(c) how many such debtors had filed insolvency petitions?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—(a) A statement is appended *(Appendix II).*

(b) 3 persons in the year 1110, 6 in the year 1112 and one in the year 1113 served their full term.

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53 persons were out after discharging their debts or on adjustment of their liabilities. The rest were released for want of subsistence allowance.

(c) One in the year 1112 and one in 1113-

Mr. K. M. Ibrahim *(Cranganur).*—Sir, why a Civil Procedure Code Amendment as passed in British India in 1936 to protect the honest debtors has not been enacted here?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—Am I to understand from your question whether a provision has not been introduced saying that no more creditors should be sent to a civil jail?

Mr. K. M. Ibrahim *(Cranganur).*—Has the Hon'ble Member any information of any amendment to the British Civil Procedure Code to protect only honest debtors?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—Yes.

Mr. K. M. Ibrahim *(Cranganur).*—Have we conformed to that law? I ask when we are copying British in all matters of legislation whether we have adopted that recommendation in our Civil Procedure Code?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—No, because the Government do not think it absolutely necessary. Government think that the honest debtors need not be protected in that way because under the existing provisions honest debtors will have ample remedy.

Mr. K. M. Ibrahim *(Cranganur).*— The rational there brought a bill to that effect there and it was passed. I ask why it should not be passed here also?

Mr. President.—You ask why they introduced such a change. They have introduced an amendment and you must ask them the reasons for that.

Mr. K. M. Ibrahim *(Cranganur).*—Sir, I ask why in view of the fact that we have an expensive machinery for that Law Commission, the Government has not yet considered about it? Our Law Commission is appointed we are told for the purpose of bringing our laws in conformity with British laws.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—The Hon'ble Member is making that statement under some misapprehension. We are not merely copying the British Laws. We

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are only adopting the same with the necessary modifications to suit our conditions here.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— In the light of the last answer given may I know Sir what it is that stands in the way of the Government that a similar provision like the British Indian Amendment Act of 1936 is not introduced here? You have adopted it to suit the conditions here. What is the condition different from British India that stands in the way of our adopting the amendment of 1936 here also?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— If the Hon'ble House thinks that such an amendment is necessary, it is open to any Hon'ble Member of this house to bring in an amendment bill.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Is it your desire to give us that privilege?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— In fact I see that Hon'ble Members are having that privilege?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Are we to understand, Sir, that such a bill introduced by the non-officials is acceptable to the Government?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— It is too early to say it now. Whether such a provision is necessary can be considered at that time.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—With reference to Appendix II, will the Government be pleased to consider the position exposed from these answers as an index of the inability of as many as 363 persons not to pay their debts?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— I do not think any such inference follows. Whether it is from inability or from mere unwillingness does not follow.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—It is stated in the answer that three persons were released for want of subsistence allowance? Why?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— Because, the creditors thought there was no further use of spending their hard-earned cash.

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Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—For the reasons now given out by the Hon'ble Secretary is it not a clear case that all these debtors were not in a position to pay their debts?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—It does not mean that. It will be seen from the next answer itself that the number of persons who have put in insolvency petitions is only three.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Does it not follow that at least these three persons were in the jail, simply because, of their inability to pay? They served their full term.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—I do not think that inference follows.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Is the Government of opinion that when a man is sent to Civil Jail, he deliberately remains there because of his unwillingness to pay?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—If the Hon'ble Member is asking my individual opinion, I have to say that there are very many people there . . . . .

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I wish to like to have the opinion of the Government.

Mr. President.—Government's opinion has already been given.

Petitions—Debt Conciliation Board.

105. Mr. A. Narayana Menon *(Vyttila).*—Will the Government be pleased to state:—

(1) the number of petitions filed before the Debt Conciliation Board (a) by debtors, (b) by creditors, in 1112 and 1113 till to day (24th Thulam 1113);

(2) how many of the debtors were (a) simple decree debtors (b) mortgagors or their assignees who had possession of the properties (c) mortgagors or assignees of mortgagors who had surrendered possession to mortgagees (d) judgment-debtors whose properties were (a) proclaimed for sale (i) for simple debts (ii) mortgage decrees (b) sold by court; were stay petitions filed in such cases; if so, how many cases;

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APPENIX I.

(Question No. 103.)

Statement of volunteers in the Government Press with their services as it stood on 1st Vrischigam 1113.

Serial No.	Name of volunteers.	Service. Y.	M.	D.
1	T. K. Damodaran	6	2	2
2	S. S. Joseph.	6	2	0
3	P. R. Narayanan	3	1	26
4	P. O. Ouseph	3	1	26
5	P. P. Abraham	2	7	0
6	Abraham Alias	2	2	12
7	N. Rajan Menon	1	11	8
8	T. M. Balakrishnan Chetty	1	11	22
9	C. I. Kumaran	1	10	2
10	T. M. Mathew	1	6	11
11	M. J. Thimathes	1	6	11
12	K. Damodaran	1	6	11
13	A. K. Muhamadkutty	0	9	0
14	K. Rama Kurup	0	9	0
15	N. Raman	0	9	0
16	T. G. Damodaran	0	9	0
17	P. C. Joseph	0	9	0
18	K. P. Bhaskara Menon	0	1	13
19	M. Aravindakshan	0	1	13
20	P. J. Verghese	0	1	13
21	T. L. Abraham	0	1	13
22	M. C. Sreedharan	0	1	13
23	T. O. Ouseph	0	1	11
24	T. N. Bhaskaran	0	1	16
25	C. C. Thomas	0	0	12

APPENDIX II.

(Question No. 104.)

Statement showing the number of persons that were sent to Jail for non-payment of decree debts, etc. in 1110, 1111, 1112 and 1113.

Year	No. of persons	Amount of debt Rs.	As.	Ps.
1110	144	25,958	9	5
1111	95	19,054	2	5
1112	116	21,319	0	7
1113	28	5,659	14	9

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